

GOVERNOR KAINE'S 400,000-ACRE LAND CONSERVATION GOAL

story by Nikki Rovner

The Goal

In April of 2006, Governor Timothy M. Kaine announced an ambitious goal that would form the centerpiece of his environmental agenda. By the end of his term, the Governor wants Virginia to conserve 400,000 acres.

Why did the Governor choose to focus on land conservation? Virginia is changing quickly. While economic expansion is a good thing, our quality of life depends on ensuring that some parts of our beautiful Commonwealth remain rural. Over the past decade, Virginia has lost over 60,000 acres each year to development. In fact, development is consuming land at a rate that is faster than the rate of population growth. Governor Kaine knew that if we're not conserving important lands at the same time that we develop oth-



Lee Walker

Land conservation protects wildlife habitat; provides access to recreational lands for public hunting, hiking, biking or wildlife watching; preserves the working landscapes that provide our food and fiber; protects water quality and ensures the continued strength of our powerful tourism industry.

Governor Kaine believes strongly in accountability and in aiming high, and the 400,000-acre goal is no exception. Each acre saved in the Commonwealth is counted and tracked monthly by the state Department of Conservation and Recreation. By 2010, it will be absolutely clear whether we succeeded or failed in meeting this goal. And the goal is

In the shadow of Trails Cabin Overlook, along the eastern ridge of the Blue Ridge Mountain Parkway in Franklin County, is the 900-acre Algoma Track. Thanks to the conservation efforts of Jim Wilson (below), an avid outdoorsman and hunter, this beautiful oasis of rolling hills and forested hardwoods is one of the latest additions to the state's Conservation Easement Program.



Lee Walker

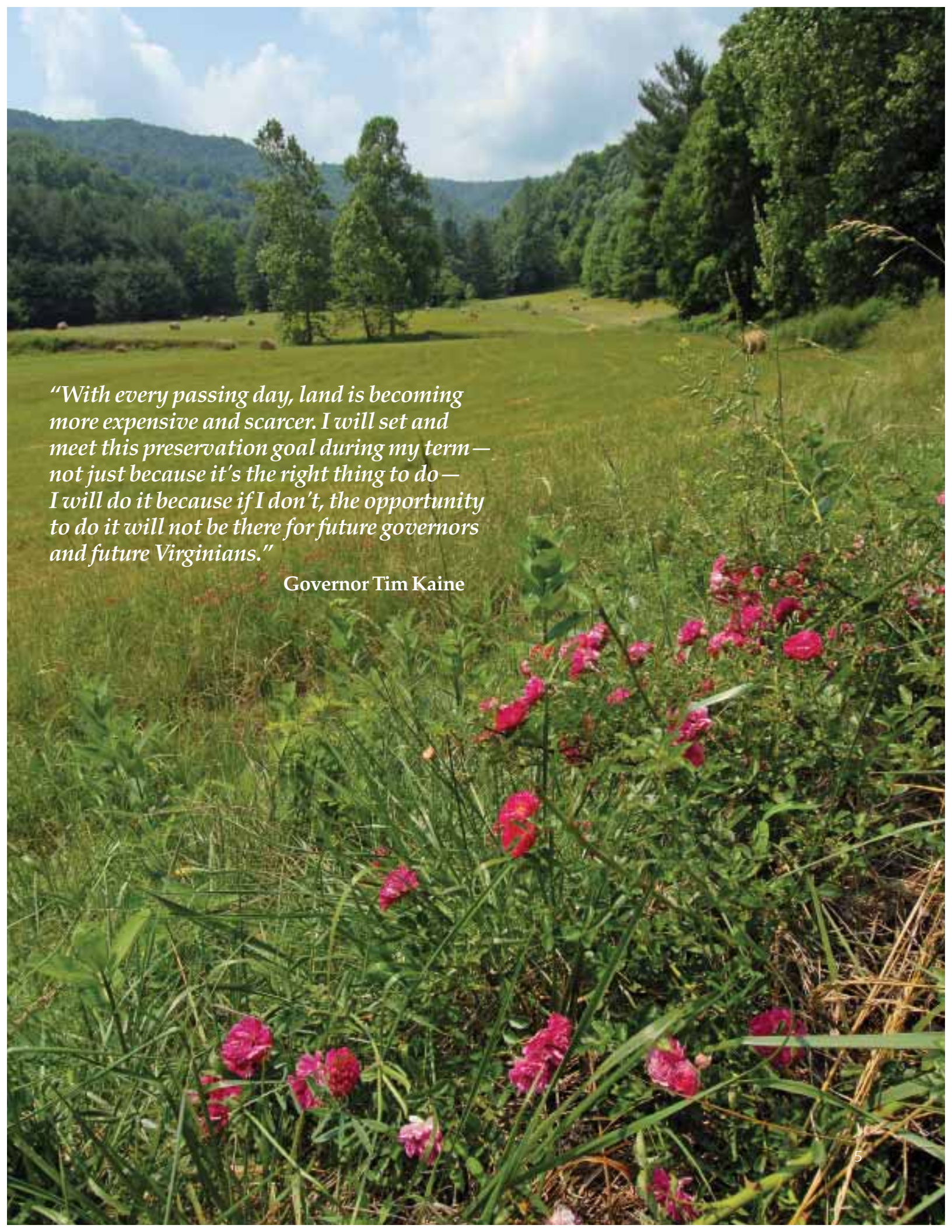
ers, we run the risk of leaving our children with a Commonwealth that is far poorer in terms of natural abundance than the one we inherited from our forebears.

The Governor also chose land conservation because of the range of benefits that saving land creates.

Left: Jim's first contribution to Virginia's Conservation Easement Program began with a small 104-acre parcel of land called the Green Radford Track. The property was named after Fanny and Green Radford who struggled to raise 10 children farming this mountain land. It had always been a dream of Jim's to have a place to hunt grouse, deer and turkey. The Green Radford Track was just the place.



Lee Walker

A scenic landscape photograph. In the foreground, there is a lush green field with several bright pink flowers. The middle ground shows a rolling green field with some trees and a few small animals, possibly cows, grazing. The background features a dense forest of tall green trees, with rolling hills visible in the distance under a blue sky with scattered white clouds.

"With every passing day, land is becoming more expensive and scarcer. I will set and meet this preservation goal during my term—not just because it's the right thing to do—I will do it because if I don't, the opportunity to do it will not be there for future governors and future Virginians."

Governor Tim Kaine



Lee Walker

Just west of Roanoke, and about halfway to New Castle, is the farm of Lanier Frantz. Lanier, also an avid hunter, purchased his first small tract of property in 1960 to quail hunt on. Since that time he has managed to assemble a puzzle of small land tracts into 1,200 continuous acres. After spending years and thousands of dollars working with VDGIF developing quality wildlife habitat, Lanier decided that the best way to make sure that all his hard work would not be in vain, would be to place his farm in a conservation easement. This would benefit not only wildlife but all Virginians in the future.

indeed ambitious—from 2000 to 2005, the average number of acres protected each year in the Commonwealth was about 55,000 acres. In order to meet the goal, we must double our efforts.

If Virginia meets the 400,000 acre goal, we can also meet one of the key-stone commitments of the Chesapeake 2000 agreement: preserving 20 percent of the Chesapeake Bay watershed by 2010. This is a commitment that was made by Pennsylvania, Maryland and Virginia in 2000. Pennsylvania and Maryland had already hit the 20 percent mark in their states by 2005, but Virginia still had a long way to go. Governor Kaine wants to meet the Chesapeake 2000 goal and exceed it.

WHAT THE GOAL MEANS TO VIRGINIA'S OUTDOOR ENTHUSIASTS

For people who love Virginia's outdoors, the 400,000 acre goal means two primary things: more public lands and more conservation easements.

Public lands include Virginia's wildlife management areas (WMAs), state forests, state parks and natural area preserves. As readers of this magazine know, wildlife watching, boating and fishing occur at all of these venues, and WMAs and state forests are available for public hunting. In addition, regular hunting is allowed at certain state parks and managed hunts are allowed at several other state parks and natural area preserves. Lands acquired by federal agencies, such as national wildlife refuges, and local governments, such as local parks, also count toward the 400,000-acre goal. All of Virginia's citizens benefit from the opportunities afforded by these public lands for hiking, biking, birding, photography, hunting, fishing, walking, picnicking, water access for paddling, and a host of other activities. The wildlife with whom we share our great Commonwealth also benefit from the protection of habitat on public lands.

The state can only acquire more public lands, of course, if additional funding is set aside for that purpose. State leaders are urging our congressional delegation to boost the federal programs that provide much-needed dollars for this purpose. More importantly, Governor Kaine and the Virginia General Assembly will need to work together to make the state budget reflect a land conservation priority. Unfortunately, this will require a significant change for Virginia. Traditionally, the Commonwealth's direct investments in land conservation have trailed well behind other states on the East Coast.

Virginia stands out, however, for having an extremely powerful incentive to encourage landowners to place their land under conservation easement. A conservation easement is an agreement in which a landown-

©Dwight Dyke



HERE'S HOW THE TAX CREDIT WORKS

Say a landowner owns a 500-acre forested tract that is worth \$1 million. The landowner works with a land trust to donate a conservation easement on the land. Under state law, the amount of the tax credit is equal to 40% of the value of the donation. The value of the donation is the value of the conservation easement, as determined by a real estate appraiser who analyzes the difference between the value of the land before the land is restricted by the easement and the value after the easement is placed on the land. In this case, let's assume that an appraiser determines that the land, after the easement has been placed on it, is worth \$600,000; therefore, the conservation easement is worth \$400,000. This is the value that has been donated, and the landowner is entitled to 40% of the value of the donation in tax credits. Here, the donation has generated 160,000 in tax credits. If this landowner does not pay enough in income taxes to use up \$160,000 in 11 years (the time allowed by state law), he can sell the tax credits to another taxpayer.

er gives up the right to develop the land. The landowner retains the right to live on the land, often retains rights to use it for farming or forestry, and sometimes retains a small number of rights to subdivide the land or build additional structures. Virginia has a transferable tax credit for donations of conservation easements, and it is the most generous conservation tax credit in the nation. In order to qualify for the tax credit, the conservation easement must be perpetual. That is, the easement must extinguish development rights permanently, so that the easement governs the use of the land not only by the current landowner, but all future landowners as well.

Since 2000, over 244,000 acres of land have been saved under the Virginia tax credit program. Many landowners who once believed that selling their land for development was the only way to recover value from their property have learned that the tax credit makes holding on to their land affordable. It's also important to recognize that in certain circumstances, a land trust or government agency may have funding available to purchase easements on very special lands.

Conservation easements are an extremely important tool because they allow land to remain in private hands, while at the same time ensuring the protection of rural attributes

such as scenic views and use for food and fiber production. The Wildlife Action Plan completed by the Department of Game and Inland Fisheries in 2005 identifies 925 species of wildlife whose populations are declining, and habitat loss is one of the primary threats to these species. While government acquisition of key habitat lands is an important tool of wildlife conservation efforts, when we also use conservation easements we can ensure that now-common types of habitat remain plentiful across Virginia's landscape forever.

HOW YOU CAN HELP

If you own land, consider placing a conservation easement on your land. You have a choice of many organizations that can help you through the process of donating an easement. Most of the easements in the Commonwealth are held by the Virginia Outdoors Foundation, a state agency established over 40 years ago for the purpose of conserving land. Conservation easements can also be held by private nonprofit land trusts, state agencies and local governments. A landowner whose main interest is forest management, for example, may choose to work with the state Department of Forestry. Another landowner who cares most about wildlife habitat or wants to ensure that his land is avail-

able for hunting may choose to work with the Department of Game and Inland Fisheries. Other landowners may prefer to work with a private organization such as The Nature Conservancy or the Western Virginia Land Trust. For a list of private land trusts and agencies that hold conservation easements, contact the Department of Conservation and Recreation's Office of Land Conservation at (804) 225-2048 or visit http://www.dcr.virginia.gov/land_conservation/index.shtml.

Regardless of which organization you choose, it is crucial to seek out the expertise of an attorney and a tax advisor who have experience with conservation easements.

Another way to advance Virginia's land conservation goals is to become involved in a land trust. These organizations exist for the purpose of educating landowners about conservation easements and helping local communities protect their rural character. They can always use volunteer assistance and financial support from citizens who are committed to conservation.

To check on Virginia's progress towards the 400,000-acre land conservation goal, visit <http://www.naturalresources.virginia.gov/Initiatives/LandConservation/>. □

Nikki Rovner is Deputy Secretary of the Virginia Department of Natural Resources.



©Dwight Dyke

©Ken Perrotte